

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

DURHAM SCHOOL SERVICES, LLC

and

Case 13-CA-46768

**TEAMSTERS LOCAL 301 a/w
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

ORDER

The petition to revoke and/or quash subpoena duces tecum B-638463 filed by Durham School Services is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).¹

Dated, Washington, D.C., October 13, 2011.

MARK GASTON PEARCE,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER

¹ In considering the petition to revoke, we have evaluated subpoena B-638463 as modified by the Region in its opposition brief. Those modifications include changing the introductory paragraph of Attachment A to read: "This subpoena covers all documents which are available to Durham School Services, including, but not limited to, any documents in possession of attorneys, excluding communication between Durham and their legal counsel." The Region also amended paragraphs 2 and 3 of the subpoena to include "only any payroll records showing hours worked and wages paid in training, testing or evaluation to employees in its Antioch, Grayslake and Lake Villa facilities, along with any documents showing hours worked by non-hourly personnel in training, testing or evaluating." Member Hayes joins in denying the petition to revoke. He does not pass at this time on whether it would be appropriate to have an Employer official submit a sworn statement in lieu of producing the documents sought.